

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITY OF HUNTINGTON,**

**Plaintiff,**

**Civil Action No. 3:17-01362**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et. al,**

**Defendants.**

**AND**

**CABELL COUNTY COMMISSION,**

**Plaintiff,**

**Civil Action No. 3:17-01665**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et. al,**

**Defendants.**

**WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE AGENCY’S RENEWED  
MOTION TO QUASH SUBPOENAS**

Pursuant to the Court’s May 11, 2020 Memorandum Opinion and Order (ECF Document 410) requiring all discovery-related motions to be filed by the date hereof, West Virginia Public Employees Insurance Agency (“PEIA”) files this Renewed Motion to Quash two subpoenas issued on March 17, 2020, on behalf of McKesson Corporation. PEIA specifically moves to quash the “Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action” and “Subpoena to Testify at a Deposition in a Civil Action” on the grounds that

the subpoenas: (1) are overly broad and burdensome, (2) seek statutorily-protected and confidential information, and (3) fail to provide a reasonable time to respond.

In the alternative, PEIA moves this Court to modify the subpoena in a manner that will allow a reasonable scope and time for compliance, and that the Defendants pay the costs associated therewith.

Therefore, based on the foregoing and the points and authorities set forth in the accompanying Memorandum and previously-filed briefs (ECF Document 262, West Virginia Public Employees Insurance Agency's Memorandum of Law in Support of Motion to Quash Subpoena; ECF Document 304, West Virginia Public Employees Insurance Agency's Reply to Defendants' Response in Opposition to Motion to Quash Subpoenas), PEIA respectfully requests that its Motion to Quash both subpoenas served upon it be granted.

DATED: May 15, 2020

**Respectfully submitted,**

**WEST VIRGINIA PUBLIC EMPLOYEES  
INSURANCE AGENCY**

**By Counsel,**

**PATRICK MORRISEY  
ATTORNEY GENERAL**

/s/ Andrew L. Ellis

**ANDREW L. ELLIS (WVSB # 10618)**

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**CERTIFICATE OF SERVICE**

I, Andrew L. Ellis, Assistant Attorney General, do hereby certify that on May 15, 2020, the foregoing “West Virginia Public Employees Insurance Agency’s Renewed Motion to Quash Subpoena” was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to parties and counsel of record.

/s/ Andrew L. Ellis

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